IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 25018 of 2004

Between:

G.L.Reddy, S/o. G.Surender Reddy,
H.No.11-3-42/2, Bharathnagar, Siddipet, Medak District.

..... PETITIONER

AND

1 The Presiding officer, Labour Court No.II, IVth floor,

Chandravihar, MJ.Road, Hyderabad.
2 The Depot Manager, APSRTC, Gajwel -Pragnapur Depot.
Medak District.
3 TheDepot Manager, APSRTC, Godavarikhani Depot,
Godavarikhani , Karimnagar District.
4 The Regional Manager, APSRTC, Karimnagar Region,

Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ order or direction more particularly one in the nature of writ of Mandamus to set aside the order of the Hon'ble Labour Court No.II, Hyderabad Vide MP.No.2/2002, dt. 09/09/2004 and remit back the matter to the 1st respondent court to dispose the MP on merits.

Counsel for the Petitioner: MR.P.RAGHAVENDRA REDDY

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent Nos.2 to 4: MR. V.T.M.PRASAD (SC FOR APSRTC)

The Court at the admission stage made the following O R D E R:

The petitioner filed M.P.No.2 of 2002 before the Labour Court-II, Hyderabad, under Section 33(c)(2) of the Industrial Disputes Act, 1947, towards execution of an award passed by the Labour Court, Godavarikhani in I.D.No. 390 of 1989, whereby the learned Presiding Officer dismissed the M.P. holding that it has no territorial jurisdiction to entertain the matter. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner contended that as the petitioner is presently working at Gajwel-Pragnapur Depot of Medak District, the Labour Court-II, Hyderabad has got territorial jurisdiction and, therefore, dismissing the petition on the ground that Labour Court-II, Hyderabad has no jurisdiction is unsustainable.

On the other hand, learned Government Pleader for Labour appearing for the first respondent contended that the first respondent has no territorial jurisdiction to entertain the claim inasmuch as the award has been passed by the Labour Court, Godavari Khani and, therefore, the petitioner has to approach the Labour Court at Godavari Khani.

Learned standing counsel appearing for respondents 2 to 4 contended that the impugned order is in the nature of execution proceedings and as he is seeking implementation of the award passed by the Labour Court, Godavarikhani, in I.D.No. 390 of 1989, he has to approach the Labour Court at Godavari Khani.

Admittedly, when the petitioner's services were terminated, he raised an I.D.No.390 of 1989 before the Labour Court, Godavari Khani. The Labour Court, Godavari Khani, by its award dated 30.08.1989, set aside the orders of removal and directed the respondent to reinstate the petitioner into service with continuity of service but

without backwages. The award passed by the Labour court has become final. The petitioner by filing M.P.No.2 of 2002 claimed the following reliefs;

a. difference of pay and allowances from 27.10.1985 to 16.10.1986;

b. full wages for the period from 17.10.1986 to 30.06.1987;

c. full wages from 30.08.1989; and

d. difference of pay and allowances from 20.07.1990 till the date of implementation.

Learned counsel for the petitioner relied on a judgment of this Court reported in **HARSHARANJIT SINGH V. BOARD OF DIRECTORS, RCFL**, to the effect that High Court of Andhra Pradesh has territorial jurisdiction to entertain the writ petition as a part of cause of action has arisen within the territorial jurisdiction of this Court for entertaining the writ petition. He also relied on a judgment of the Gujarat High Court in **MODERN FOOD INDUSTRIES (INDIA) LTD.,AHMEDABAD**. To substantiate his contention, he further relied on **M.P.STATE ROAD TRANSPORT COPORATION V. INDUSTRIAL COURT, M.P., INDORE**, in which the cause of action has arisen where the head office of the Management is located. Those decisions relied upon by the learned counsel for the petitioner has no application to the present facts of the case.

It is not the question of arising cause of action but the petitioner is seeking for implementation of the award passed by the Labour Court, Godavari Khani. The relief sought for are in the nature of execution only. There cannot be any dispute that the execution proceedings can be filed only before the Court, which passed the award. Hence, the Labour Court-II, Hyderabad rightly dismissed the petition holding that it has no territorial jurisdiction to entertain the matter. Therefore, the order under challenge does not suffer from serious legal infirmities warranting interference of this Court.

Accordingly, the writ petition is dismissed. However, this order will not preclude the petitioner in approaching the Labour Court, Godavari Khani, by filing appropriate application. No costs.

_____

(K.C.BHANU, J)

Dt. 14.03.2005

usd

To

1 The Presiding officer, Labour Court No.II, IVth floor,

Chandravihar, MJ.Road, Hyderabad.

2 The Depot Manager, APSRTC, Gajwel -Pragnapur Depot.
Medak District.

3 TheDepot Manager, APSRTC, Godavarikhani Depot,
Godavarikhani , Karimnagar District.

4 The Regional Manager, APSRTC, Karimnagar Region,

Karimnagar District.

5 2 CCs to the G.P. for Labour, High Court Buildings,

Hyderabad. (OUT)

6 2 CD copies.